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Preschool Policy Memorandum #08-003

DATE: June 9, 2008

TO: Tennessee's Early Intervention System (TEIS) District Administrators, Special Education Supervisors

FROM: Jamie Thomas Kilpatrick, Director Early Childhood Programs

RE: **Evaluation, Eligibility and Services for Preschoolers with Disabilities by Age Three**

This memo is to clarify evaluation, eligibility and services for preschoolers with disabilities by age three.

Children with disabilities are eligible for free appropriate public education (FAPE) at the age of three. Any child referred to an Local Education Agency (LEA) whether from Tennessee's Early Intervention System (TEIS) through a formal notification, referral, and transition meeting, or from a parent or community referral, if eligible, is entitled to FAPE by their third birthday. Please refer to Clarification of Timelines Memo dated April 10, 2008 for further timeline information. It is appropriate to complete evaluations and eligibility determination before a child is three to ensure that a child, if eligible, will receive services by age three.

IDEA Sec. 300.101 Free appropriate public education (FAPE).

A free appropriate public education must be available to all children residing in the State between the ages of 3 and 21, inclusive....Each State must ensure that (i) The obligation to make FAPE available to each eligible child residing in the State begins no later than the child's third birthday; and (ii) An IEP or an IFSP is in effect for the child by that date, in accordance with Sec. 300.323(b).(2) If a child's third birthday occurs during the summer, the child's IEP Team shall determine the date when services under the IEP or IFSP will begin.